

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE MAY 2, 2007

AMENDED IN SENATE APRIL 16, 2007

## SENATE BILL

**No. 391**

**Introduced by Senator Ducheny  
(Coauthor: Senator Romero)**

February 21, 2007

---

An act to add ~~Sections 3060.8 and~~ *Section 3060.9* to the Penal Code, relating to corrections.

### LEGISLATIVE COUNSEL'S DIGEST

SB 391, as amended, Ducheny. Corrections.

~~Existing law generally regulates the conditions of incarceration for prisoners.~~

~~Under existing law, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment, of persons confined therein are vested in the Secretary of the Department of Corrections and Rehabilitation. Existing law sets forth the powers and the duties of the Board of Parole Hearings and the Department of Corrections and Rehabilitation in connection with the parole of persons in the custody of the state prison system.~~

~~This bill would require the Department of Corrections and Rehabilitation, subject to the appropriation of funding in the Budget Act of 2007, and subsequent budget acts, to establish, operate, and evaluate a program, as specified, within the state parole system as determined by the secretary for the purpose of establishing a revised approach to the supervision, sanction, and control of parolees that will~~

~~result in a more cost-effective deployment of parole staff, reduced recidivism by parolees, savings on state incarceration costs, and improved public safety.~~

~~The department would be required to submit to the Joint Legislative Budget Committee and the fiscal committees of both houses of the Legislature, by December 1 of each year, interim reports on the progress of the pilot projects toward implementation and initial findings regarding cost-effectiveness and performance of the program, and to submit by December 1, 2011, a report that evaluates the overall cost-effectiveness and performance of the program, as specified.~~

Existing law gives the Board of Parole Hearings the power upon granting parole to any prisoner to impose on the parole any conditions that it may deem proper. Existing law gives the Board of Parole Hearings power to suspend or revoke any parole and to order returned to prison any prisoner upon parole.

This bill would establish a Community Corrections Program. It would allow the Board of Parole Hearings to assign a parolee who violates a condition of parole to the program in lieu of revocation of parole. This bill would allow the Board of Parole Hearings, as an alternative to ordering a parolee returned to custody upon revocation of parole, to suspend the period of revocation pending the parolee's successful completion of the program.

This bill would impose various requirements in connection with the program.

This bill would require the Department of Corrections and Rehabilitation, in consultation with the Board of Parole Hearings and the Legislative Analyst's Office, to contract with an independent consultant to evaluate the effect of the program on several factors and report the results to the Legislature on or before January 1, 2011. Until that date, the Department of Corrections and Rehabilitation and the Board of Parole Hearings would be required to annually report to the Legislature, beginning December 1, 2008, regarding the status of implementation of the program and the number of offenders assigned and participating in the programs in the preceding fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 3060.8 is added to the Penal Code, to~~  
2     ~~read:~~

3     ~~3060.8. (a) Subject to the appropriation of funding, as provided~~  
4     ~~in the Budget Act of 2007, and subsequent budget acts, the~~  
5     ~~Department of Corrections and Rehabilitation shall establish,~~  
6     ~~operate, and evaluate a statewide program within the state parole~~  
7     ~~system as determined by the Secretary of the Department of~~  
8     ~~Corrections and Rehabilitation for the purpose of establishing a~~  
9     ~~revised approach to the supervision, sanction, and control of~~  
10    ~~parolees that will result in a more cost-effective deployment of~~  
11    ~~parole staff, reduced recidivism by parolees, savings on state~~  
12    ~~incarceration costs, and improved public safety. To the extent that~~  
13    ~~it is feasible and practical, the program shall include, but not be~~  
14    ~~limited to, the following elements:~~

15    ~~(1) A task-structured parole supervision model that will test the~~  
16    ~~assignment of some parole agent activities according to functional~~  
17    ~~specialties, the organization of parole units into supervision teams,~~  
18    ~~the assignment of workload on the basis of task-specific timelines~~  
19    ~~in place of the existing caseload point system, and the assignment~~  
20    ~~of Parole Service Associates and other nonparole agent staff for~~  
21    ~~certain functions, and that will implement other changes in the~~  
22    ~~parole supervision operations. The purpose of the parole model is~~  
23    ~~to increase the total number of contacts between parolees and~~  
24    ~~parole staff while concentrating staff resources on those parolees~~  
25    ~~deemed to pose the highest risk to public safety.~~

26    ~~(2) This model may include the imposition of graduated~~  
27    ~~intermediate sanctions of parole violators that will, for an~~  
28    ~~appropriate group of parolees, test the approach of using programs~~  
29    ~~such as day-reporting centers, substance abuse treatment units,~~  
30    ~~community service, and other punishment options as an alternative~~  
31    ~~to revocation of parole and return to prison of parole violators.~~  
32    ~~The purpose of the new graduated intermediate sanctions model~~  
33    ~~is to ensure a rapid and certain response to parole violations, or to~~  
34    ~~parolee behavior that indicates a risk of parole violations, by using~~  
35    ~~the least restrictive alternative that will ensure public safety.~~

36    ~~(3) The establishment and operation of nonresidential day~~  
37    ~~reporting centers that will assist parolees in their reintegration into~~  
38    ~~society, maximize the supervision of certain parolees who require~~

1 closer supervision, and provide an additional punishment option  
2 for parole violators when such a punishment is deemed appropriate  
3 and will ensure public safety. Notwithstanding any other law, the  
4 Department of Corrections and Rehabilitation is authorized to  
5 contract with one or more vendors to supervise, treat, and provide  
6 services to parolees assigned to the day reporting center, including,  
7 but not limited to, such services as substance abuse treatment,  
8 cognitive skill training, domestic violence prevention education  
9 and treatment, anger management, parenting skills, community  
10 service programs, and educational and employment services.

11 (b) The Department of Corrections and Rehabilitation shall  
12 coordinate and consult with the parole authority during the  
13 development and subsequent operation of the program, and in  
14 particular shall be consulted by the department on an ongoing basis  
15 in regard to the development and implementation of graduated  
16 integrated sanctions for parole violators and the evaluation of the  
17 results of the program.

18 (c) The Department of Corrections and Rehabilitation shall, by  
19 December 1, 2011, submit to the Joint Legislative Budget  
20 Committee and the fiscal committees of both houses of the  
21 Legislature a report that evaluates the overall cost effectiveness  
22 and performance of the program. The department shall provide to  
23 the same legislative committees interim reports on the progress  
24 toward implementation of the program, and any initial findings  
25 regarding its cost effectiveness and performance, by December 1  
26 of 2008, 2009, and 2010. The final evaluation report shall be  
27 prepared in consultation with an independent contractor with  
28 expertise in the evaluation of criminal justice programs and shall  
29 include, but not be limited to, the following items:

30 (1) To the extent feasible and practical, a statistically valid  
31 analysis of the impact of the program upon the recidivism rate of  
32 parolees within the parole units selected, with a comparison to  
33 appropriate and similar classes of parolees prior to implementation  
34 of the program. To the extent feasible and practical, measures of  
35 recidivism should include revocations and removals from parole  
36 as well as new law violations by parolees, and shall include an  
37 examination of the frequency and severity of parole violations and  
38 new law violations. The report shall estimate the net additional  
39 cost or savings to the state, including the costs of operating the  
40 program except for evaluation costs, and incarceration costs for

1 parole violators and parolees recommitted to prison by the courts,  
2 which resulted from the operation of the program.

3 ~~(2) An assessment of how implementation of the program has~~  
4 ~~affected the number and the nature of contacts between parole unit~~  
5 ~~staff and parolees generally and for specific groups of parolees~~  
6 ~~according to their parole classification. The report shall also~~  
7 ~~describe and assess the graduated intermediate sanctions that were~~  
8 ~~implemented, the number of parolees subjected to these sanctions,~~  
9 ~~and whether the sanctions were implemented consistently and~~  
10 ~~appropriately.~~

11 ~~(3) An assessment of how implementation of the program has~~  
12 ~~affected parole unit operations. The report shall assess the cost~~  
13 ~~effectiveness of assigning Parole Service Associates and other~~  
14 ~~nonparole agent staff to certain functions and the cost effectiveness~~  
15 ~~of assignment of parole supervision functions to specialists~~  
16 ~~operating in teams. The report shall assess the impact of the~~  
17 ~~program upon the morale and stability of the parole unit staff, and~~  
18 ~~shall review what impact if any the program has had on staff~~  
19 ~~vacancies and turnover rates in the parole system.~~

20 ~~(4) The report shall describe and assess the functions and~~  
21 ~~services provided at the centers, the number of parolees receiving~~  
22 ~~particular types of services, and the effect of those services on the~~  
23 ~~employment, educational levels, and recidivism of parolees~~  
24 ~~assigned to the day reporting centers.~~

25 ~~SEC. 2.~~

26 *SECTION 1.* Section 3060.9 is added to the Penal Code, to  
27 read:

28 3060.9. (a) There is hereby created within the Department of  
29 Corrections and Rehabilitation a Community Corrections Program.  
30 The purpose of the program is to improve the rehabilitation of  
31 parolees, reduce recidivism, reduce prison overcrowding, and  
32 improve public safety through the use of intermediate sanctions  
33 for low-level offenders who violate parole with an emphasis on  
34 short-term commitments.

35 (b) For purposes of this section, the Community Corrections  
36 Program includes, but is not limited to, the following:

- 37 (1) Counseling.  
38 (2) Electronic monitoring.  
39 (3) Half-way house services.  
40 (4) Home detention.

1 (5) Intensive supervision.

2 (6) Mandatory community service assignments.

3 (7) Increased drug testing.

4 (8) Participation in one or more components of the Preventing  
5 Parolee Crime Program pursuant to Section 3068.

6 (9) Rehabilitation programs, such as substance abuse treatment.

7 (10) Restitution.

8 (c) As used in this section:

9 (1) “Department” means the Department of Corrections and  
10 Rehabilitation.

11 (2) “Parole authority” means the Board of Parole Hearings.

12 (d) The department and the parole authority may assign to the  
13 Community Corrections Program those lower-risk offenders who  
14 would otherwise be returned to custody for a parole violation. This  
15 section shall not alter the existing discretion of the parole authority  
16 regarding the reporting by the department of parole violations or  
17 conditions of parole. In exercising its authority pursuant to  
18 paragraphs (2) and (3) of subdivision (e) and subdivision (f), the  
19 parole authority and the department in exercising its authority  
20 pursuant to paragraph (1) of subdivision (e) may determine an  
21 individual parolee’s eligibility for the Community Corrections  
22 Program by considering the totality of the circumstances including,  
23 but not limited to, the instant violation offense, the history of parole  
24 adjustment, current commitment offense, the risk needs assessment  
25 of the offender, and prior criminal history, with public safety and  
26 offender accountability as primary considerations.

27 (e) (1) Subject to the provisions of this section, the parole  
28 authority, in the absence of a new conviction and commitment of  
29 the parolee to the state prison under other provisions of law, may  
30 assign a parolee who violates a condition of his or her parole to  
31 the Community Corrections Program in lieu of revocation of parole.

32 (2) In addition to the alternatives provided in this section, the  
33 parole authority may, as an alternative to ordering a revoked  
34 parolee returned to custody, suspend the period of revocation  
35 pending the parolee’s successful completion of the Community  
36 Corrections Program assigned by the parole authority.

37 (3) The parole authority or the department shall not assign a  
38 parolee who has been classified by the department as included  
39 within the highest control or risk classification to the Community  
40 Corrections Program in lieu of revocation of parole.

1 (4) The parole authority shall not assign a parolee to the  
2 Community Corrections Program in lieu of revocation of parole  
3 when the parole authority has determined that the violation of the  
4 condition of parole involves commission of a serious felony, as  
5 defined in subdivision (c) of Section 1192.7, or a violent felony,  
6 as defined in subdivision (c) of Section 667.5, or involves the  
7 control of, access to, or use of a weapon.

8 (5) The department shall not establish a special condition of  
9 parole, assigning a parolee to the Community Corrections Program  
10 in lieu of initiating revocation proceedings, if the department  
11 reasonably believes that the violation of the condition of parole  
12 involves commission of a serious felony, as defined in subdivision  
13 (c) of Section 1192.7, or a violent felony, as defined in subdivision  
14 (c) of Section 667.5, or involves the control of, access to, or use  
15 of a weapon, or if regulations adopted by the parole authority  
16 require the reporting of the parole violation to the parole authority.

17 (f) A special condition of parole imposed pursuant to this section  
18 to participate in the Community Corrections Program consisting  
19 of a live-in program, home detention, electronic monitoring, or  
20 half-way house services shall not be established without a hearing  
21 by the parole authority in accordance with Sections 3004 and 3068  
22 and regulations of the parole authority. A special condition of  
23 parole providing an assignment to the Community Corrections  
24 Program that does not consist of a live-in component may be  
25 established without a hearing.

26 (g) Implementation of this section by the department is subject  
27 to the appropriation of funding for this purpose as provided in the  
28 Budget Act of 2007, and subsequent budget acts.

29 (h) The department, in consultation with the parole authority  
30 and the Legislative Analyst's Office, shall, contingent upon  
31 funding, contract with an independent consultant to conduct an  
32 evaluation regarding the effect of the Community Corrections  
33 Program on public safety, parolee recidivism, and prison and parole  
34 costs and report the results to the Legislature on or before January  
35 1, 2011. Until that date, the department and parole authority shall  
36 jointly report annually to the Legislature, beginning December 1,  
37 2008, regarding the status of implementation of the Community

- 1 Corrections Program and the number of offenders assigned and
- 2 participating in the program in the preceding fiscal year.

O